

Town of Kittery Planning Board Meeting September 29, 2016

Town Code Amendments – 16.2.2 – Definitions; 16.4.4.14 – Non-stormwater Discharge; 16.9.7 Non-stormwater Discharge

Action: Hold a public hearing. Recommend to Town Council. The proposed amendments provide clarity concerning restrictions related to non-stormwater discharges required under the Town's MS4 obligations.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
YES	Initial Planning Board Meeting	8/25/2016	HELD
NO	Secondary Planning Board Meeting		
YES	Public Hearing (special notice requirements)	Scheduled for 9/29/2016	PENDING
YES	Review/Approval/ Recommendation to Town Council		TBD

Background

Stormwater runoff is generated when rain or melting ice and snow flows over land surfaces to natural or man-made channels and water bodies. In a natural setting, storm flow can be slowed, filtered, or absorbed by vegetation and soil materials before it enters wetlands, ponds, streams, or rivers. Land development typically changes the natural patterns of hydrologic flow and adds impervious surfaces, such as pavement, buildings and hardscaping, which prevent infiltration of water into the soil and increases the volume and rate of stormwater runoff. Stormwater runoff from developed areas carries trash and pollutants such as fertilizers, pesticides, de-icing chemicals/salt and sand, eroded sediments, automobile fluids, and pet waste, which build up on developed surfaces between precipitation events until they are carried into the nearest storm drain and water body.

Following the November 9, 2015 audit of South Berwick's MS4 (Municipal Separate Storm Sewer System), the Maine Department of Environmental Protection (MDEP) requested that municipality amend their non-stormwater discharge ordinance.

Review

To provide consistency statewide among MS4 regulated communities, Staff is recommending the proposed ordinance amendments:

1. Correct the referenced chapter from "8.10" to "9.7" in Title 16.4.4.14.
2. Adding the phrase "*as long as it does not cause or contribute to a violation of the State's water quality standards*" to subsection B of 16.9.7.5 to clarify that upholding water quality standards is required (Line 89).
3. Adding "*and dechlorinated swimming pool discharges*" as another permissible discharge if no water quality standards are violated. This was inadvertently omitted from the model ordinance that Kittery and many other towns used when they first implemented their local versions years ago (Line 99).
4. According to the Town's MS4 consultant, Kristie Rabasca, Integrated Environmental Engineering, the amendments "*allows the Town a little more latitude in enforcing the ordinance.*"

But with that latitude comes the responsibility to make determinations about what might cause an exceedance and what might not. For example – landscape irrigation that clearly has an excess of fertilizer or pesticide could need an enforcement action. The Town will mostly take their cues from the DEP on what might or might not cause an exceedance.”

5. Correct spelling of stormwater and change unnecessary capitalization throughout the entirety of 16.9.7 to reflect nationally accepted stormwater-related terminology.

In addition to the above amendments, the revised amendment addresses the following, as initiated by comments from the Planning Board during an initial review held on 8/25/2016:

1. The Board requested clarification on the level of dechlorination required for swimming pool discharges, as well as any required regulations of non-chlorine materials used in swimming pools such as bromine, salt water, etc. Staff spoke with Kristie Rabasca, who clarified a dechlorinated or bromine-free discharge is discharge that reads as zero, or less than .5 ppm, on the test strip. To her knowledge, regulated MS4 communities do not typically specify the parts per million language within the ordinances.
2. The previous revision corrected spelling and capitalization of “stormwater” and “storm drainage system”. The current revision expands the correction of capitalization/grammar errors throughout the Article.
3. Section 16.9.7.2 has been relocated to 16.2.2, Definitions, and the redundant definition for “Municipal Separate Storm Sewer System, or MS4” is removed. The intent of this was to centralize the location of all the definitions within Title 16. As discussed by the Board during the 8/25 meeting, another possibility would be to leave all stormwater related definitions in 16.9.7.2, and include a reference in 16.2.2 guiding readers to the appropriate location. The Board may want to discuss which is preferable and Staff can revise, if necessary.
4. If the definitions are relocated from 16.9.7.2 to 16.2.2, the definition of “Enforcement Authority” should also be removed, as it is specifically defining the authority as it relates to non-stormwater ordinances, and not as it relates to the Title 16. In addition, enforcement authority for non-stormwater discharge is designated in 16.9.7.4 (proposed 16.9.7.3); therefore, a further definition may not be necessary.
5. Revised confusing/wordy language of 16.9.7.7.B (proposed 16.9.7.6.B)
6. Updated the date of revision for referenced MDEP and U.S. Census materials (lines 27, 337 and 397)

Recommendation

If the Planning Board is amenable to the proposed amendments and/or along with any revisions they find is warranted, the Board can...

...move to recommend to Town Council adoption for Town Code Amendments, Title 16.4.4.14 Non-stormwater Discharge; Title 16.9.7 Non-stormwater Discharge.

16.4 ADMINISTRATION and ENFORCEMENT

Article IV. Enforcement – General

16.4.4.14 Non-stormwater Discharge

No person, except where exempted in ~~Chapter 8-10~~ Title 16.9.7, may create, initiate, originate, or maintain a non-stormwater discharge to the storm drainage system. Such non-stormwater discharges are prohibited notwithstanding the fact that the municipality may have approved the connections, drains or conveyances by which a person discharges unallowable non-stormwater discharges to the storm drainage system.

16.9 DESIGN AND PERFORMANCE STANDARDS – NATURAL ENVIRONMENT

Article VII. ~~Non-Storm-Water~~ Non-stormwater Discharge.

16.9.7.1 Basis/Purpose/Objectives.

A. The Town of Kittery, enacts this ~~Non-Storm-Water~~ Non-stormwater Discharge Ordinance (the “~~O~~rdinance”) pursuant to 30-A M.R.S. § 3001 (municipal home rule ordinance authority), 38 M.R.S. § 413 (the “Wastewater Discharge Law”), 33 U.S.C. § 1251 et seq. (the “Clean Water Act”), and 40 CFR Part 122 (U.S. Environmental Protection Agency’s regulations governing the National Pollutant Discharge Elimination System (“NPDES”)).

The Maine Department of Environmental Protection, through its promulgation of the “General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems” dated ~~June 2008~~ July 2013, has listed the Town of Kittery as having a Regulated Small Municipal Separate Storm Sewer System (“Small MS4”); under this General Permit, listing as a Regulated Small MS4 necessitates enactment of this ~~O~~rdinance as part of the Municipality’s ~~Storm Water Management~~ stormwater management.

B. The purpose of this ~~Non-Storm-Water Discharge~~ ~~O~~rdinance is to provide for the health, safety, and general welfare of the citizens of the Town of Kittery, through the regulation of ~~Non-Storm-Water~~ non-stormwater ~~D~~ischarges to the Municipality’s ~~S~~storm ~~D~~rainage ~~S~~ystem as required by federal and State law. This ~~O~~rdinance establishes methods for controlling the introduction of ~~p~~ollutants into the Town’s ~~S~~storm ~~D~~rainage ~~S~~ystem in order to comply with requirements of the federal Clean Water Act and State law.

C. The objectives of this Article are:

1. To prohibit unpermitted or unapproved ~~Non-Storm-Water~~ non-stormwater ~~D~~ischarges to the ~~S~~storm ~~D~~rainage ~~S~~ystem; and
2. To set forth the legal authority and procedures to carry out all inspection, monitoring and enforcement activities necessary to ensure compliance with this ~~O~~rdinance.

16.9.7.2 — Definitions. ~~{section moved to 16.2.2, Definitions}~~

Clean Water Act means the federal Water Pollution Control Act (33 U.S.C. § 1251 *et seq.*, also known as the “Clean Water Act”), and any subsequent amendments thereto.

Discharge means any spilling, leaking, pumping, pouring, emptying, dumping, disposing or other addition of Pollutants to “waters of the State.” “Direct discharge” or “point source” means any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft, from which Pollutants are or may be discharged.

Enforcement Authority means the person(s) or department authorized under 8.10.040 of this Ordinance to administer and enforce this Ordinance. ~~{definition removed}~~

Exempt Person or Discharge means any person who is subject to a Multi-Sector General Permit for Industrial Activities, a General Permit for Construction Activity, a General Permit for the Discharge of Stormwater from the Maine Department of Transportation and the Maine Turnpike Authority Municipal Separate Storm Sewer Systems, or a General Permit for the Discharge of Stormwater from State or Federally Owned Authority Municipal Separate Storm Sewer System Facilities; and any Non-Storm Water Discharge permitted under a NPDES permit, waiver, or waste discharge license or order issued to the discharger and administered under the authority of the U.S. Environmental Protection Agency (“EPA”) or the Maine Department of Environmental Protection (“DEP”).

Illicit Discharge means any discharge to the small MS4 that does not consist entirely of stormwater or authorized non-stormwater discharges.

Industrial Activity means activity or activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

Municipal Separate Storm Sewer System, or MS4 means conveyances for storm water, including, but not limited to, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, human-made channels or storm drains (other than publicly owned treatment works and combined sewers) owned or operated by any municipality, sewer or sewage district, fire district, State agency or Federal agency or other public entity that discharges directly to surface waters of the State. ~~{definition removed}~~

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit means a permit issued by the EPA or by the DEP that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-Storm Water Discharge means any Discharge to an MS4 that is not composed entirely of Storm Water.

Pollutant means dredged spoil, solid waste, junk, incinerator residue, sewage, refuse, effluent, garbage, sewage sludge, munitions, chemicals, biological or radiological materials, oil, petroleum products or by-products, heat, wrecked or discarded equipment, rock, sand, dirt and industrial, municipal, domestic, commercial or agricultural wastes of any kind.

Premises means any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips, located within the Municipality from which Discharges into the Storm Drainage System are or may be created, initiated, originated or maintained.

Regulated Small MS4 means any Small MS4 regulated by the State of Maine "General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems" dated June 2008 ("General Permit"), including all those located partially or entirely within an Urbanized Area (UA) and those additional Small MS4s located outside a UA that as of the issuance of the General Permit have been designated by the DEP as Regulated Small MS4s.

Small Municipal Separate Storm Sewer System, or Small MS4 means any MS4 that is not already covered by the Phase I MS4 stormwater program including municipally owned or operated storm sewer systems, State or federally owned systems, such as colleges, universities, prisons, Maine Department of Transportation and Maine Turnpike Authority road systems and facilities, and military bases and facilities.

Storm Drainage System means the entire Municipality's storm drainage system.

Storm Water means any Storm Water runoff, snowmelt runoff, and surface runoff and drainage; "Stormwater" has the same meaning as "Storm Water."

Urbanized Area ("UA") means the areas of the State of Maine so defined by the latest decennial (2000) census by the U.S. Bureau of the Census.

16.9.7.3 16.9.7.2 Applicability.

This ordinance shall apply to all Ppersons discharging Storm Water stormwater and/or Non Storm Water non-stormwater Ddischarge from any premise into the Sstorm Ddrainage Ssystem.

16.9.7.4 16.9.7.3 Responsibility for Administration.

The Code Enforcement Officer is the Eenforcement Aauthority who shall administer, implement, and enforce the provisions of this Oordinance.

16.9.7.5 16.9.7.4 Prohibition of Non-Storm Water Non-stormwater Discharges

A. ~~General Prohibition.~~ Except as allowed or exempted herein, ~~no a Pperson shall~~ may not create, initiate, originate or maintain a Non Storm Water non-stormwater Ddischarge to the sStorm dDrainage sSystem. Such Non Storm Water non-stormwater Ddischarges are prohibited ~~notwithstanding the fact that~~ even where the Municipality ~~may have~~ has approved the connections, drains or conveyances ~~by~~ through which a Pperson Discharge ~~unallowable Non Storm Water~~ creates an illicit non-stormwater Ddischarge to the Sstorm Ddrainage Ssystem.

B. ~~Allowed Non Storm Water Discharge.~~ The creation, initiation, origination and maintenance of the following Non Storm Water non-stormwater Ddischarges to the Sstorm Ddrainage Ssystem is allowed as long as it does not cause or contribute to a violation of the State's water quality standards:

1. Flow:

Landscape irrigation; diverted stream flows; rising ground waters; uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)); uncontaminated pumped ground water; uncontaminated

flows from foundation drains; air conditioning and compressor condensate; irrigation water; flows from uncontaminated springs; uncontaminated water from crawl space pumps; uncontaminated flows from footing drains; lawn watering runoff; flows from riparian habitats and wetlands; residual street wash water (where spills/leaks of toxic or hazardous materials have not occurred, unless all spilled material has been removed and detergents are not used); hydrant flushing and fire fighting activity runoff; water line flushing and discharges from potable water sources; and individual residential car washing; and dechlorinated swimming pool discharges.

2. Discharges specified in writing by the Eenforcement Authority as being necessary to protect public health and safety; and

3. Dye testing, with verbal notification to the Eenforcement Authority prior to the time of the test.

~~16.9.7.6~~ 16.9.7.5 Exempt Person or Discharge.

This Ordinance shall not apply to an Exempt Person or Discharge, except that the Eenforcement Authority may request from Exempt Persons and Persons with Exempt Discharges copies of permits, notices of intent, licenses and orders from the EPA or DEP that authorize the Discharge(s).

~~16.9.7.7~~ 16.9.7.6 Suspension of Access to the Municipality's Storm Drainage System.

A. The Eenforcement Authority may, without prior notice, physically suspend Discharge access to the Sstorm Drainage System to a Person when such suspension is necessary to stop an actual or threatened Non-Storm-Water non-stormwater Discharge to the Sstorm Drainage System which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the Sstorm Drainage System, or which may cause the Municipality to violate the terms of its environmental permits. Such suspension may include, but is not limited to, blocking pipes, constructing dams or taking other measures, on public ways or public property, to physically block the Discharge to prevent or minimize a Non-Storm-Water non-stormwater Discharge to the Sstorm Drainage System.

B. If the Person fails to comply with a suspension order issued in an emergency, the Eenforcement Authority may take such steps as deemed necessary to prevent or minimize damage to the Sstorm Drainage System, or to minimize danger to persons; provided, however, that in taking such steps Only with the consent of the premises' owner, occupant or agent may the Eenforcement Authority may enter upon the Premises that are the source of the actual or threatened Non-Storm-Water non-stormwater Discharge to the Sstorm Drainage System only with the consent of the Premises' owner, occupant or agent.

~~16.9.7.8~~ 16.9.7.7 Monitoring of Discharges.

In order to determine compliance with this Ordinance, the Eenforcement Authority may enter upon and inspect Premises subject to this Ordinance at reasonable hours with the consent of the Premises' owner, occupant or agent: to inspect the Premises and connections thereon to the Sstorm Drainage System; and to conduct monitoring, sampling and testing of the Discharge to the Sstorm Drainage System.

~~16.9.6.9~~ 16.9.7.8 Enforcement and Penalties.

See Sections 16.4.4 and 16.4.5.

16.9.7.10 16.9.7.9 Ultimate Responsibility of Discharger.

The standards set forth herein are minimum standards; therefore this Ordinance does not intend nor imply that compliance by any Person will ensure that there will be no contamination, pollution, nor unauthorized discharge of Pollutants into waters of the U.S. caused by said Person. This Ordinance shall not create liability on the part of the Municipality, or any officer agent or employee thereof for any damages that result from any Person's reliance on this Ordinance or any administrative decision lawfully made hereunder.

16.2.2 Definitions.

Character means the main or essential nature especially as strongly marked and serving to distinguish.

Clean Water Act means the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq., also known as the "Clean Water Act"), and any subsequent amendments thereto.

Clear-cut means any timber harvesting on a forested site greater than one acre in size which over a ten (10) year period results in an average residual basal area of trees over six inches in diameter of less than thirty (30) square feet per acre, unless one or both of the following conditions exist:

1. If, after harvesting, the average residual basal area of trees over one inch in diameter measured at 4.5 feet above the ground is thirty (30) square feet per acre or more, a clear-cut does not occur until the average residual basal area of trees six inches or larger measured at 4.5 feet above the ground is less than ten (10) square feet per acre; or

2. After harvesting, the site has a well-distributed stand of trees at least five feet in height that meets the regeneration standards applicable under 12 M.R.S. chapter 805, §8869.1.

Disability means any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services.

Discharge means any spilling, leaking, pumping, pouring, emptying, dumping, disposing or other addition of pollutants to "waters of the State." "Direct discharge" or "point source" means any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft, from which pollutants are or may be discharged.

Disturbed Area is land altered by the clearing of vegetation, grading, excavation and redevelopment. The cutting of trees without grubbing, stump removal, and the disturbance or exposure of soil, is not considered to be disturbed area. Work performed in order to continue the original line and grade, hydraulic capacity, and the original purpose of the land or the improvements thereon is not considered to be disturbed area.

Essential services means the construction, alteration, or maintenance of gas, electrical, or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry, or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms, all police call boxes, traffic signals, hydrants, and similar accessories, but do not include service drops or buildings which are necessary for the furnishing of such services.

Exempt Person or Discharge means any person who is subject to a Multi-Sector General Permit for Industrial Activities, a General Permit for Construction Activity, a General Permit for the Discharge of Stormwater from the Maine Department of Transportation and the Maine Turnpike Authority, Municipal Separate Storm Sewer Systems, or a General Permit for the Discharge of Stormwater from State or Federally Owned Authority, Municipal Separate Storm Sewer System Facilities, and any non-stormwater discharge permitted under a NPDES permit, waiver, or waste discharge license or order issued to the discharger and administered under the authority of the U.S. Environmental Protection Agency ("EPA") or the Maine Department of Environmental Protection ("DEP").

Improvement plans means maps, plans, profiles, studies, cross sections and other required details for the construction of all improvements.

Illicit Discharge means any discharge to the small MS4 that does not consist entirely of stormwater or authorized non-stormwater discharges.

Individual private campsite means an area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and no more than two recreational vehicles, and which involves site improvements which may include but not be limited to gravel pads, parking areas, fireplaces, or tent platforms.

Industrial means the assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

Industrial Activity means activity or activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

Industry, Heavy means a facility and/or site used in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

Municipal Separate Storm Sewer System, or MS4, means conveyances for ~~storm-water~~ stormwater, including, but not limited to, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, human-made channels or ~~storm-drains~~ stormdrains (other than publicly owned treatment works and combined sewers) owned or operated by any municipality, sewer or sewage district, fire district, State agency or Federal agency or other public entity that discharges directly to surface waters of the State.

Municipality means Town of Kittery, Maine.

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit means a permit issued by the EPA or by the DEP that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Navigable waters means the "waters of the United States including territorial seas" as defined in the Federal Clean Water Act and 33 CFR Part 328, as amended.

Nonconforming use means use of buildings, structures, premises, land or parts thereof which is not allowed in the district and/or zone in which it is situated, but which is allowed to remain solely because it was in lawful existence when created or became legally non-conforming as a direct result of a change in the provisions of this Code.

Non-stormwater Discharge means any discharge to an MS4 that is not composed entirely of stormwater.

Normal high water line means the line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land.

Pier means a structure built out into the water generally with piles for use as a landing place.

Pollutant means dredged spoil, solid waste, junk, incinerator residue, sewage, refuse, effluent, garbage, sewage sludge, munitions, chemicals, biological or radiological materials, oil, petroleum products or by-products, heat, wrecked or discarded equipment, rock, sand, dirt and industrial, municipal, domestic, commercial or agricultural wastes of any kind.

Post-Construction Stormwater Management Plan means an Inspection and Maintenance Plan as required by rule for projects that require approval by the Maine Department of Environmental Protection (MDEP) under Chapter 500, Stormwater Management; or a plan to inspect and maintain Best Management Practices (BMPs) and Stormwater Management Facilities employed by a new development or redevelopment, not subject to MDEP Chapter 500 rules, to meet the stormwater standards of this Code.

Practicable means available and feasible, considering cost, existing technology, and logistics based on overall project purposes.

Pre-existing accessory-use towers/antennas means legally existing prior to December 21, 1997, Wireless Communication System Facility (WCSF), towers/antennas and alternative tower structures. Enlargements of WCSF, accessory use towers/antennas legally existing prior to December 21, 1997 must conform to the requirements of this Code.

Preliminary subdivision plan means the preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Planning Board for its consideration.

Premises means any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips, located within the Municipality from which discharges into the storm drainage system are or may be created, initiated, originated or maintained.

Principal building means the primary building on a lot or a building that shelters or encloses the principal use on a lot.

Recreational vehicle means a vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pickup

camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.

Regulated Small MS4 means any Small MS4 regulated by the State of Maine "General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems" dated July 2013 ("General Permit"), including all those located partially or entirely within an Urbanized Area (UA) and those additional Small MS4s located outside a UA that as of the issuance of the General Permit have been designated by the DEP as Regulated Small MS4s.

Regulatory floodway:

1. Means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot; and
2. In riverine areas is considered to be the channel of a river or other watercourse and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain. (Ordained 9/26/11; effective 10/27/11)

Slot machine means any machine which operates by inserting a coin, token, or similar object, setting the internal mechanism of the machine in motion, and by the application of the element of chance may deliver or entitle the person playing or operating the machine to receive cash, premiums, merchandise, tickets, or something of value.

Small Municipal Separate Storm Sewer System, or Small MS4 means any MS4 that is not already covered by the Phase I MS4 stormwater program including municipally owned or operated storm sewer systems, State or federally-owned systems, such as colleges, universities, prisons, Maine Department of Transportation and Maine Turnpike Authority road systems and facilities, and military bases and facilities.

Soils.

A soil's drainage class must be determined by a Maine Certified Soil Scientist and based on the most recent Natural Resources Conservation Service Supplemental Key for the Identification of Soil Drainage Class that reflects the Maine Association of Professional Soil Scientists, Key to Drainage Classes. The Key includes among other terms the following:

Start of construction means the date the building/regulation activity permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
(Ordained 9/26/11; effective 10/27/11)

Storm Drainage System means the entire Municipality's storm drainage system.

Stormwater means any stormwater runoff, snowmelt runoff, and surface runoff and drainage;

Story means that portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. Any building that contains no floors in the vertical plane, every ten (10) feet or portion thereof counts as a floor.

Upland edge means the boundary between upland and wetland.

For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the elevation being six feet above mean sea level based on the North American Vertical Datum of 1988 (NAVD 88), including all area affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a time period sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are 20 feet tall or taller; whichever is more restrictive.

Urbanized Area ("UA") means the areas of the State of Maine so defined by the latest decennial (2010) census by the U.S. Bureau of the Census.

Used car lot means a lot exposed to the elements which is used for the sale of secondhand automobiles or trucks which can pass the state inspection tests in their existing conditions.

